



— RSPA-1995-12759-1 —
Rigid Intermediate Bulk Container Association

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May 22, 1995

Mr. Alan I. Roberts
Associate Administrator
Office of Hazardous Materials Safety
Department of Transportation
400 7th Street S.W.
Washington, D.C. 20590-0001

Dear Mr. Roberts:

PETITION FOR RULEMAKING

On behalf of the **Rigid Intermediate Bulk Container Association (RIBCA)**, this is to request a Petition for Rulemaking pursuant to 49 CFR § 106.31. **RIBCA requests an amendment to § 173.29(c)(1) and (2) to include IBCs containing only the residue of a hazardous material to be excepted from shipping paper requirements and placarding requirements when transporting a hazardous material covered by Table 2 of § 172.504 that is currently authorized for non-bulk packaging under this section. This rule allows the transportation of non-bulk packaging containing only the residue of a hazardous material to be shipped without placards and without shipping papers when the containers are transported for purposes of reconditioning, remanufacture or reuse by contract or private carrier.**

JUSTIFICATION:

RIBCA believes there is no significant difference between the handling of empty IBCs and other empty non-bulk packaging, e.g. drums, which are being picked up and returned solely for purposes of reconditioning or reuse. Since the quantity of material transported in a typical IBC is equivalent to that transported by four or five drums, it should not make a difference in terms of the applicability of this rule, if there is residue left in five drums or in one 275 gallon IBC. Because the majority of IBCs are designed to allow for the maximum discharge of contents, typically an IBC will contain less residue when empty in comparison to the residue contained in three or four empty drums.

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Since DOT published HM-181E, IBCs have become even more recognized as an acceptable and reliable type of reusable packaging for the transportation of hazardous materials and are becoming widely used among the shippers of regulated materials. Because many of the environmental laws today encourage manufacturers and shippers to reuse and recondition containers, the fact that § 173.29(c)(1)(2) applies only to non-bulk packaging, discourages the pick up and transportation of empty IBCs for reconditioning and reuse when only containing the residue of a hazardous material. These empty IBCs are still subject to the same DOT regulations that apply for a loaded shipment. RIBCA believes that the reuse and reconditioning of IBCs would be greatly enhanced if shippers could return the empty packages containing only a residue under the same conditions that apply to non-bulk packaging, thus providing relief from placarding and shipping paper requirements when transported by contract or private carrier.

In order to revise § 173.29(c)(1) and (2) to include IBCs, we suggest the following language:

§173.29(c) A non-bulk packaging *or an intermediate bulk container* containing only the residue of a hazardous material covered by Table 2 of § 172.504 of this subchapter—

(1) does not have to be included in determining the applicability of the placarding requirements of subpart F of part 172 of the subchapter; and

(2) Is not subject to the shipping paper requirements of this subchapter when collected and transported by a contract or private carrier for reconditioning, remanufacture or reuse

If you have any questions regarding this petition, please contact me.

Sincerely,



Patricia A. Quinn
Technical Advisor